UNITED STATES GOVERNMENT

Memorandum

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TO: J. Stanley Pottinger
Assistant Attorney General

DATE: March 31, 1976

FROM: Robert A. Murphy
Chief
Criminal Section

SUBJECT: RECOMMENDATION
Re: Martin Luther King, Jr. Review

In 51 pages he has no mention of Mrs. He has a single sentence about Hoover & a full line on the assassination — no mention of Hoover's comment

I recommend against reopening the assassination investigation because there is no evidence that the Bureau had anything to do with the shooting of Dr. King. While I believe that serious invasions of the privacy of Dr. King and many others occurred as a result of the Bureau's activity, I do not recommend that any action be taken against any individual for the following reasons: (1) if criminal acts occurred, the statute of limitations has long since expired; (2) no one has filed a civil suit against the Department or the Bureau, in spite of much publicity about the Bureau's activities, so no decision need be made as to what position the Department might take; (3) no Bureau employee who was a section chief or higher who was involved with the King case still works for the Bureau so no disciplinary action need be taken. (4)

I recommend against a public report by the Department or the appointing of a "blue ribbon" committee. The Church Committee has largely performed that function and the risk of adversely affecting the reputations of many people is too great. I certainly recommend against my report being made public. (4) If made public it would be subjected to analysis, comment, use against Bureau, was not CED prior to DOJ, [illegible]

It is clear that steps must be taken to change Bureau procedures to prevent anything like this from ever happening again. The Department was seriously at fault in not supervising the Bureau. I have certain ideas in mind about necessary changes that we can discuss but I have not set them out here because I believe that most, if not all, are being considered by one or more of the study groups and task forces the Attorney General has established. (4)

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REPORT EXHIBIT

REPORT OF SENATE SELECT COMMITTEE ON INTELLIGENCE

I. Introduction (pp. 1-11) (U)

II. The COMINFIL Investigation is Opened: October 1962 (pp. 12-23) (U)

III. Concern in the FBI and the Kennedy Administration Over Allegations of Communist Influence in the Civil Rights Movement Increases, and the FBI Intensifies the Investigation: October 1962 - October 1963. Introduction and Summary (pp. 24-26) (U)

A. The Justice Department Warns Dr. King about Advisors A and B - January - June 1963 (pp. 26-34) (U)

B. Allegations About Dr. King During Hearings on the Public Accommodations Act and the Administration's Response: July 1963 (pp. 31-37) (U)

C. The Attorney General Considers a Wiretap of Dr. King and Rejects the Idea: July 1963 (pp. 37A-40) (U)

D. The Attorney General Voices Concern Over Continuing FBI Reports about King: July - August 1963 (pp. 41-44) (U)

E. The FBI Intensifies its Investigation of Alleged Communist Influence in the Civil Rights Movement: July - September 1963 (pp. 45-57) (U)

IV. Electronic Surveillance of Martin Luther King and the SCLC (U)
Introduction and Summary (pp. 58-59) (U)

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A. Legal Standards Governing the FBI's Duty to Inform the Justice Department of Wiretaps and Microphones During the Period of the Martin Luther King Investigation (pp. 60-62) (u)

B. Wiretap Surveillance of Dr. King and the SCLC (pp. 63-70) (u)

C. Microphone Surveillance of Dr. King: January 1964 - November 1965 (pp. 70-71) (u)

1. Reasons for the FBI's Microphone Surveillance of Dr. King (pp. 71-75) (u)

2. Evidence Bearing on Whether the Attorneys General Authorized or Knew About the Microphone Surveillance of Dr. King (u)

a. Attorney General Robert F. Kennedy (pp. 76-80) (u)

b. Attorney General Nicholas deB. Katzenbach (pp. 80-86) (u)

V. The FBI's Effort to Discredit Martin Luther King: 1964 Introduction and Summary (pp. 87-88) (u)

A. The FBI Disseminates the First King "Monograph" and Attorney General Robert F. Kennedy Orders It Recalled: October 1963 (pp. 89-91) (u)

B. The FBI Plans Its Campaign to Discredit Dr. King December 23, 1963 (pp. 91-94) (u)

C. William Sullivan Proposed a Plan to Promote a New Negro Leader: January 1964 (u) (pp. 94-96)

D. FBI Headquarters Order the Field Offices to Intensify Efforts to Discredit King: April - August 1964 (pp. 97-101) (u)

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3. Attempts to Discredit Dr. King with Universities (pp. 103-104) (u)

4. Attempts to Discredit Dr. King with Churches (pp. 104-106) (u)

5. Attempts to Discredit Dr. King with the Pope (pp. 106-107) (u)

6. The Attempt to Discredit Dr. King During His Receipt of the Nobel Peace Prize (pp. 107-110) (u)

7. Attempts to Block Dr. King's Publications (pp. 110-111) (u)

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F. The Question of Whether Government Officials Outside of the FBI Were Aware of the FBI's Effort to Discredit Dr. King (pp. 114-128) (u)

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